

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PRISCILLA MATTHEWS,

Case No. 06-11618

Plaintiff,

DISTRICT JUDGE
ARTHUR J. TARNOW

v.

MAGISTRATE JUDGE
VIRGINIA M. MORGAN

MICHAEL BAUMHAFT, *et al.*,

Defendants.

ORDER

ADOPTING REPORT AND RECOMMENDATION [171];

AND

SETTING DEADLINE FOR DEFENDANT'S PAYMENT OF SANCTIONS

On October 24, 2008, Plaintiff filed a Motion to Hold Defendant Baumhaft (Defendant) In Contempt of Court [167], based in part upon his failure to pay sanctions in the amount of \$2,500, previously awarded by Court order on December 21, 2007. Defendant did not file a Response to the Plaintiff's Motion, and he also did not appear at the motion hearing set before the Magistrate Judge on December 3, 2008.

The Magistrate Judge took the Motion under advisement, and subsequently issued a Report and Recommendation [171], recommending that the Court grant Plaintiff's Motion and issue a warrant for Defendant to be brought before the District Court Judge to show cause, if any there was, why Defendant should not be incarcerated for civil contempt pending his payment of the sanctions due.

On February 2, 2009, the Court ordered [174] Defendant to appear in person at a hearing to be held on February 18, 2009, to show cause why he should not be incarcerated for civil contempt.

At that hearing, the Court heard argument on Plaintiff's Motion [167], Defendant's Objection [172] to the Report and Recommendation, and Plaintiff's Response [173].

Being fully advised in the premises, and for the reasons stated on the record at the motion hearing, the Court **ADOPTS** the findings of the Report and Recommendation. Therefore,

IT IS ORDERED that Defendant shall pay to Plaintiff's counsel the sum of **\$2,500.00** by the date of **MARCH 4, 2009**. Defendant's failure to do so will result in a finding that Defendant is in contempt of Court; in the interim, Plaintiff's Motion [167] is taken under advisement.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow

United States District Judge

Dated: February 19, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 19, 2009, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR

Case Manager